

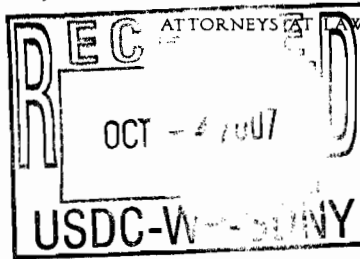
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Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street, Room 533
White Plains, New York 10601



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MEMO ENDORSED

October 3, 2007

USDS SDNY	LEGAL ASSISTANTS: SUSAN AGNIFILIO LISA HALPIN ROSEMARIE MONTZ
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Re: J.G. and J.G. o/b/o J.G. v. Briarcliff Manor Union Free School District
Index No.: 07-7245 (KMK)
Our File: BRI 6.198B

Your Honor:

This office represents the defendant, Briarcliff Manor Union Free School District ("District"), in the above referenced matter. On September 19, 2007, plaintiffs served the District with a Summons and Complaint. Prior to that time, the District submitted a motion to dismiss this action in its entirety for insufficient service of process of a summons and complaint, improperly served on or about August 27, 2007, and expiration of the statute of limitations. I write to request an extension of the time in which the District may answer the re-served Summons and Complaint until such time as the District's motion to dismiss is resolved.

The District's answer to the re-served complaint is due on October 9, 2007. The District has argued in its motion that the statute of limitations for commencing this action expired on August 17, 2007 and that pursuant to Section 306-b of the New York Civil Practice Laws and Rules, the complaint, which was timely filed on August 14, 2007, must be served within fifteen days of the expiration of the statute of limitations.

This is the first request by the District for an extension of the time to answer the complaint. I have spoken to Mr. Mauricio J. Bertone, an assistant to plaintiff's attorney, Mr. Gary Mayerson, who has consented to this request. We are requesting that the time to answer the complaint be adjourned until a ruling on the District's motion.

Thank you for your consideration of this matter.

Very truly yours,

KUNTZ, SPAGNUOLO & MURPHY, P.C.

Leah L. Murphy
Leah L. Murphy
LLM/sa

cc: Dr. Frances G. Wills, Superintendent of Schools

Granted. The District's time to answer the Amended Complaint is stayed until the court rules on the District's motion to dismiss the original Complaint.

SO ORDERED

Kenneth M. Karas
KENNETH M. KARAS, U.S.D.J.

10/5/07